

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

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|--------------------------|---|------------------------|
| FREDERICK BANKS, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Case No. CIV-14-0983-F |
| |) | |
| ELIZABETH NETT, et al., |) | |
| |) | |
| Defendants. |) | |

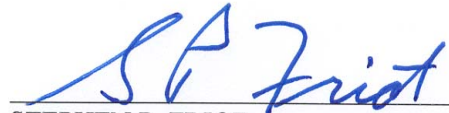
ORDER

Plaintiff Banks is a federal inmate who appears *pro se* and who professes to have filed this action along with two purported co-plaintiffs, John Michael and Spence Taylor. The Report and Recommendation of Magistrate Judge Gary M. Purcell is before the court. Doc. no. 5 (the Report). The Report recommends that plaintiffs' motion to proceed *in forma pauperis*, doc. no. 3, be denied, and that this action be dismissed upon filing, without prejudice, under 28 U.S.C. § 1915A(b) as frivolous and also on immunity grounds. The Report notifies plaintiffs that dismissal of this cause of action may constitute a "strike" pursuant to 28 U.S.C. § 1915(g) upon affirmance or upon waiver of the opportunity to appeal. The Report also notifies plaintiffs of the right to object to the Report, and notifies them that failure to timely object to the Report waives appellate review of both factual and legal issues contained in the Report. No objection or request for an extension of time has been filed. Copies of the Report which were mailed by the court clerk to purported plaintiffs John Michael and Spence Taylor were returned as undeliverable. Doc. nos. 6, 7.

Having conducted its own review and with there being no objection, the Report and Recommendation of Magistrate Judge Purcell is **ACCEPTED, ADOPTED** and

AFFIRMED. This action is **DISMISSED** upon filing, without prejudice, as frivolous and on immunity grounds. Upon affirmance, or waiver of the opportunity to appeal, this dismissal counts as a “strike” under 28 U.S.C. § 1915(g).

Dated this 27th day of October, 2014.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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